



August 1, 2006

Mr. David Nawi, Chairman, Forest Practice Committee
Board Members
California Board of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460

Re: California Department of Fish and Game - Section 2112 Draft Incidental Take Permit Guidelines for Timber Operations

Dear Chairman and Members,

Your Board is embarking on a long-overdue inquiry into the scientific justification for the specific regulations that make up the Threatened or Impaired Watershed Rules (T&I). The presentation of Draft Incidental Take Permit Guidelines for Coho salmon (Guidelines) by the Department of Fish and Game (DFG) and the request to expedite rulemaking for these Guidelines by Secretary Chrisman is premature. It would make more sense to fold these Guidelines into the Amendment of the T&I Rules for evaluation based on the best available science, since they are dealing with the same watersheds and the same species.

These ITP Guidelines have not been vetted through the extensive review process that all Forest Practice Rules must go through, and therefore, many important factors have not been considered. For instance, the Guidelines include a one-size-fits-all requirement to rock all roads in the WLPZ with 6" of graded, screened rock. This requirement alone puts considerable strain on the viability of small operations on the central coast. Rock is extremely expensive in this area and often must be transported considerable distances. A blanket requirement to lay down 6" of rock is excessive when half that much provides an ample protective armor for the road surface. Other significant costs mandated in the Guidelines include excessive crossing removals and crossing replacements.

In the very brief time we have had to review this proposal, we analyzed two plans for the potential cost increases. The larger plan would have required an additional \$38,000 worth of road work for the proposed regulations (above and beyond what is currently required under the T&I rules). Of this, \$16,000 would have been needed for additional road rocking (3" deeper), and the balance was to replace and upgrade existing crossings. The other plan would have incurred an additional \$25,000, primarily for the replacement of crossings.

The cost of road rocking notwithstanding, many smaller forest landowners need to skid and yard logs on their roads. Rocking such roads would result in considerable damage to

the raw material. Furthermore, skidding logs across a rocked road would destroy the road.

The most important fact that must be taken into consideration in establishing any Guidelines on the central coast is that there are **no** temperature-impaired streams in the entire region. Any subsequent regulations must take this fact into account if they are to be reasonable and fair, let alone effective.

The Guidelines place great weight on substantial canopy retention in the Class I and II watercourses. Our experience with Class II “blue-line” mapping is that it woefully misrepresents the on-the-ground conditions. And, the amount of timber impacted by the increased canopy retention along “blue-line” streams is very high. We have analyzed two recent plans and compared the volume of timber lost under the current T&I rules as well as the proposed regulations. On the first plan we analyzed (our own property), we selectively harvested 3.9 mmbf over the entire plan area under the current T&I rules. Our estimates are that the retention of timber within the WLPZs under the current T&I rules resulted in a total volume loss of approximately 2 mmbf. The additional canopy retention along perennial Class II streams required under the proposed DFG regulations amounts to an additional total volume loss of 1.1 mmbf. When you couple the immediate loss of harvestable volume with the potential growth and harvest of timber tied up by canopy retention restrictions, the figure is staggering. Another smaller plan that we analyzed provided even more startling figures. The total volume currently impacted by the T&I rules is estimated to be 0.1 mmbf. The amount impacted by the proposed regulations is 0.9 mmbf, or nine times the amount of volume currently impacted by canopy restrictions.

Most of the additional volume impacted by the proposed regulations is in the inner band of WLPZ on blue-line Class IIs. Canopy retention requirements of 85% effectively remove that area from management. A smaller, yet significant impact is the increase in the outer WLPZ band from 50% to 65% canopy retention. This dramatically decreases that viability of conducting timber harvesting on many parcels because the majority of timber grows within, or directly adjacent to, the WLPZs.

In the central coast region all harvesting is done utilizing single tree selective silviculture, as required by law. Because streams in this region are not impaired for temperature, the justification for additional canopy retention along Class I and II streams has not been demonstrated or documented.

Also of concern is the proposed requirement that would restrict the construction of roads and landings until June 1st. This effectively shortens the entire logging season for a month or at the very least will increase the cost of harvesting dramatically. While it would be technically possible for some operations to do roadwork a year early so as to begin harvesting earlier in the spring, the cost to reopen a harvest operation after having closed it down properly for winter weather conditions is very expensive and not environmentally desirable. The loggers, upon which the timber industry depends, are already faced with an extremely short season in which to harvest the timber needed for year round sawmill production and are facing increasing economic hardships. Fewer

loggers, shorter seasons and higher logging costs will render California's timber industry less competitive with logs and lumber shipped in from other sources.

The FRAP Assessment has indicated that fragmentation for the purposes of residential development is posing the greatest threat to forest continuity and health in the Santa Cruz Mountains and is occurring at the highest rate. It is no accident that the application of the State's most restrictive and costly forest practice regulations coincides with the accelerated rate of forest fragmentation for this region. These poorly conceived and exceedingly costly proposed regulations are based on unsubstantiated assumptions or data collected under different silvicultural prescriptions. Initially intended for the protection of coho salmon, they will greatly exacerbate the rate of forest fragmentation to the ultimate degradation of salmon habitat.

It is unfortunate that stakeholders have not had sufficient time to review the Guidelines. To be fully transparent, many aspects of the Guidelines need to be clarified. The proposed rules have not undergone any public scoping process nor received feedback from foresters or landowners who will be responsible for their implementation. Nor has there been an opportunity to consider any peer-reviewed science relating to these specific proposals. Moving forward without allowing for essential public input is contradictory to the Forest Practice Rules and brings into question the efficacy of this process.

Big Creek Lumber Company has additional serious concerns regarding many other aspects of this proposal. In order to adequately address these concerns, we request that the Board of Forestry take the Guidelines into consideration simultaneously with your extensive scientific review of the T&I rules. In doing so, you will be able to construct a single, transparent, and comprehensive regulatory process for the protection of coho salmon during timber harvesting operations.

Sincerely,



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